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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

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14 UNITED STATES OF AMERICA,) No. CR 07-00562-RMW
15 Plaintiff,) STIPULATION AND [PROPOSED]
16 v.) ORDER EXCLUDING TIME FROM
17 ALEJANDRO HORTA-GUZMAN,) NOVEMBER 19, 2007 TO DECEMBER
18 Defendant.) ACT CALCULATION (18 U.S.C. §
3161(h)(8)(A))
19 _____)

20 On November 19, 2007 the parties appeared for a hearing before this Court. At that
21 hearing, the government and defense requested an exclusion of time under the Speedy Trial Act
22 based upon the defense counsel's need to effectively prepare by reviewing discovery materials
23 submitted by the government and the need to jointly negotiate a resolution in this matter. At that
24 time, the Court set the matter for a hearing on December 17, 2007.

25 The parties stipulate that the time between November 19, 2007 and December 17, 2007 is
26 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the
27 requested continuance would unreasonably deny defense counsel reasonable time necessary for
28 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

1 that the ends of justice served by granting the requested continuance outweigh the best interest of
2 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
3 U.S.C. §3161(h)(8)(A).

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5 DATED: November 19, 2007

SCOTT N. SCHOOLS
United States Attorney

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/s/
JEFFREY B. SCHENK
Assistant United States Attorney

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/s/
LARA VENNARD
Attorney for Defendant

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between November 19, 2007 and December 17, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

**RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE**